

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: David Coyle	Team: Team # 8	CCRB Case #: 200515461	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 12/24/2005 4:30 AM	Location of Incident: Church Avenue and 49th Street/ Universal resort	Precinct: 67	18 Mo. SOL 6/24/2007	EO SOL 6/24/2007	
Date/Time CV Reported Wed, 12/28/2005 5:45 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 12/28/2005 5:45 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. SGT Mayra Centeno	92209	922095	067 PCT
3. POM Bruce Ceparano	02203	933682	067 PCT
4. SGT Johnny Napoleon	03120	921622	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jamie Gifkins	10033	934927	067 PCT
2. POM Igor Groysman	11320	934969	067 PCT
3. POF Carla Ledgister	16237	902834	067 PCT
4. POM Raymond Quick	11965	934743	067 PCT
5. POM Quincy Grigsby	12239	934965	067 PCT
6. POF Kimberly Curry	29413	903724	067 PCT
7. POM Salman Asghar	13331	934426	067 PCT
8. POM Joshua Dawson	10978	934724	067 PCT
9. POM Daryl Denner	01272	926755	PROPCLK
10. POM Robert Reed	02116	934100	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bruce Ceparano	Discourtesy: PO Bruce Ceparano spoke obscenely to § 87(2)(b) and individuals.	
B. Officers	Force: Officers used physical force against § 87(2)(b)	
C.POM Bruce Ceparano	Force: PO Bruce Ceparano used physical force against § 87(2)(b) and § 87(2)(b)	
D.SGT Mayra Centeno	Force: Sgt. Mayra Centeno used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
E.POM Salman Asghar	Force: PO Salman Asghar used physical force against § 87(2)(b)	
F.POM Salman Asghar	Discourtesy: PO Salman Asghar spoke obscenely to § 87(2)(b) and individuals.	
G. Officers	Force: An officer hit § 87(2)(b)'s head against a truck.	
H.SGT Johnny Napoleon	Abuse: Sgt. Johnny Napoleon did not process § 87(2)(b)'s complaint regarding officers.	

Synopsis

On December 24, 2005 at approximately 4:30AM, § 87(2)(b) and § 87(2)(b) were at the Universal Resort at Church Avenue and 49th Street in Brooklyn. Officers arrived at the location and began to evacuate the Universal Resort looking for a male with a gun. PO Bruce Ceparano was telling § 87(2)(b) and others to “Get the fuck out (allegation A).” Numerous officers then began to push § 87(2)(b) out of the club (allegations B, C, D, E). PO Ceparano was also pushing § 87(2)(b) out of the club (allegation C). PO Ceparano and PO Asghar used profanity several times throughout the incident (allegations A and F). PO Asghar and another officer then pushed § 87(2)(b) against a car and an officer began to slam § 87(2)(b)'s head down on the vehicle (allegation G). PO Asghar also grabbed § 87(2)(b)'s arm and twisted her wrist, which caused bruising to § 87(2)(b)'s wrist (allegation E). § 87(2)(b) was then placed in handcuffs and put in a patrol car. § 87(2)(b) was also arrested and put in the patrol car with § 87(2)(b). PO Ceparano approached § 87(2)(b), pushed her shoulder, and told her to leave the block (allegation C). § 87(2)(b) and § 87(2)(b) were then transported to the 67th Precinct where they were released with summonses for § 87(2)(b). § 87(2)(b) asked Sgt. Johnny Napoleon if she could make a complaint at the precinct about the incident and Sgt. Napoleon told § 87(2)(b) that she could not make her complaint at the precinct (allegation H).

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b)

(§ 87(2)(b))

§ 87(2)(b) gave four statements regarding the incident. They include her initial statement on December 28, 2005 (enclosure 5a-5c), a phone statement on January 5, 2006 (enclosure 5d), her in person statement on January 10, 2006 (enclosure 5e-5i), and a photo viewing on November 28, 2006 (enclosure 5j-5nn). § 87(2)(b)'s in person statement gave the most details and is her main statement. § 87(2)(g)

On December 24, 2005, at 4:30 AM, § 87(2)(b) was at the Universal Resort with her cousin § 87(2)(b), her family friend § 87(2)(b) and her sister § 87(2)(b). Approximately 10 officers entered the club and patrons of the Universal Resort began to leave. While § 87(2)(b) was helping § 87(2)(b) who had a cast on her arm, with her jacket, § 87(2)(b) observed PO1 arguing with a lady. PO1 was saying, “Everyone get the fuck out (allegation A).” PO1 was a white or Hispanic male, 5’10”, 170lbs, with a baldhead, and identified by § 87(2)(b) as PO Ceparano, shield number 2203. As § 87(2)(b) and her party were walking towards the exit, officers in uniform shoved her. § 87(2)(b) could not be more specific about who was shoving her inside of the Universal Resort, but stated that she did see PO Ceparano shoving another individual inside the Universal Resort. At the exit to the Universal Resort officers pushed § 87(2)(b) again, which caused her to fall (allegation B). In § 87(2)(b)'s phone statement, § 87(2)(b) stated that officers were pushing § 87(2)(b) and § 87(2)(b) as well.

Once outside the Universal Resort, § 87(2)(b) was pushed again from behind. § 87(2)(b) stated that several officers were shoving her back with open hands. The officers shoving § 87(2)(b) were PO Ceparano, PO2, PO3, PO4, and PO5 (allegations C, D, E, and B). PO2 was a Hispanic female, 5’1”, 140lbs, 30 to 40 years of age, and identified by § 87(2)(b) as Sgt. Centeno, shield number 3082. PO3 was a Hispanic male, 5’7”, with a heavyset build and glasses, and identified by the CCRB as PO Asghar. PO4 was a Hispanic male, 5’11”, 190lbs, and had a shaved head. PO5 was a white male and tall. All officers were in uniform. Other officers may have been pushing § 87(2)(b) but she could not give any further

descriptions. While outside PO Ceparano was saying, “Get the fuck out. You dirty mother fuckers don’t fucking listen (allegation A).” PO Asghar was also cursing saying, “Get the fuck out (allegation F).”

§ 87(2)(b) and her party waited outside for a taxi and § 87(2)(b) was pushed again in the back with open hands this time by Sgt. Centeno (allegation D). The push caused § 87(2)(b) to fall face first. After Sgt. Centeno pushed § 87(2)(b) PO Ceparano and PO Asghar told § 87(2)(b) “You look like you want to do something to our boss. Fucking don’t listen. Get the fuck out of here, you are going to fucking go down, you are going to get arrested (allegation A and F).” § 87(2)(b) then asked the officers why they were pushing her. Five or six officers then began to push § 87(2)(b) from all directions (allegation B). While officers were pushing § 87(2)(b) an unidentified male told officers to stop pushing her. § 87(2)(b) then tried to walk to where § 87(2)(b) was, and PO Asghar grabbed § 87(2)(b)’s hand and began to twist her wrist (allegation E). § 87(2)(b) stated that her wrist was swollen and bruised from PO Asghar twisting her wrist. § 87(2)(b) asked PO Asghar why she was being arrested and PO Asghar said, “You fucking don’t listen. You look like you fucking want to do something to my boss. You are going to jail tonight. You are going to central booking and you’re not going to get out before the holidays (allegation F).” PO Asghar and PO4 then pushed § 87(2)(b) against a truck (allegation F and B). § 87(2)(b) was then pulled away from the truck and pushed against the truck for a second time (allegation F and B). PO4 then took § 87(2)(b)’s head and began to slam it against the truck (allegation G). § 87(2)(b) stated that she had some marks around her nose from when PO4 slammed her head against the truck. An unidentified male then told the officers to stop slamming § 87(2)(b)’s against the truck. Officers then told the unidentified male, “Shut the fuck up unless you want to get arrested too.” § 87(2)(b) was then put in handcuffs. In § 87(2)(b)’s phone statement, § 87(2)(b) stated that PO Ceparano said, “You stupid mother fucker, that’s why you are going to jail tonight. Haha you are going to be in for Christmas (allegation A).” PO4 then began to pat § 87(2)(b) down. While PO4 was frisking § 87(2)(b) he put a finger between her legs. § 87(2)(b) tried to swat the officer’s hand away and PO6 then came over to finish the frisk of § 87(2)(b). PO6 then put § 87(2)(b) in a patrol car. PO6 was a black female, 5’11”, heavy set, with highlighted dreads. PO6’s partner was PO7. PO7 was a black female, 5’11”, heavy set, with short curly hair and glasses. PO Ceparano, PO Asghar, PO4, and PO5 then began to shove an unidentified male in a circle. § 87(2)(b) was eventually put in the patrol car with § 87(2)(b). § 87(2)(b) stated that she did not resist at all during the entire interaction. § 87(2)(b) stated that her, § 87(2)(b) and § 87(2)(b) did not consume any alcohol that night. § 87(2)(b) stated that § 87(2)(b) had just ordered a drink, and had maybe consumed half of it.

At the precinct, PO9 told § 87(2)(b) that officers were at the Universal Resort because they had received a call that there was a gun in the vicinity. § 87(2)(b) identified PO9 as a black male, thick build, baldhead, and identified by § 87(2)(b) as Sgt. Napoleon. § 87(2)(b) told Sgt. Napoleon that she was going to make a complaint and asked for the names of PO Ceparano and Sgt. Centeno. Sgt. Napoleon told Sgt. Centeno to write down her and PO Ceparano’s names and shield numbers and Sgt. Centeno wrote down the information and handed it to § 87(2)(b). § 87(2)(b) asked Sgt. Napoleon if she could file a complaint through the office and Sgt. Napoleon told § 87(2)(b) that she had to file it somewhere else, but never gave her instructions on how to file a complaint (allegation H). § 87(2)(b) did not mention that she asked Sgt. Napoleon if she could file a complaint in her phone statement. § 87(2)(b) then called 311. § 87(2)(b) and § 87(2)(b) were then released with a summons for disorderly conduct. In § 87(2)(b)’s phone statement, § 87(2)(b) stated that PO Gifkins’ name appeared on her summons. § 87(2)(b) identified PO Gifkins as a white male, 6’0”, with a thin build and red hair.

On November 28, 2006, § 87(2)(b) appeared at the CCRB and viewed officer photos. Photo number 1 was PO Robert Reed. Photo 2 was PO Igor Groysman. Photo 3 was PO Bruce Ceparano. Photo 4 was Jamie Gifkins. Photo 5 was PO Raymond Quick. Photo 6 was PO Joshua Dawson. Photo 7 was PO Salman Asghar. Photo 8 was PO Kimberly Curry. Photo 9 was PO Quincy Grigsby. Photo 10 was PO Carla Ledgister. Photo 11 was Sgt. Johnny Napoleon. Photo 12 was Sgt. Mayra Centeno. Photo 13 was PO Daryl Denner. The officers from photos 1 through 13 include the 10 officers that according to the Sprint arrived at the scene, PO Gifkins and his partner PO Groysman, and Sgt. Napoleon. Photos 14 though 29 were filler officers.

§ 87(2)(b) identified PO Ceparano as the officer that was pushing people including herself inside of the club and made her fall. PO Ceparano was also cursing saying, “Get the fuck out.” § 87(2)(b) was not sure if she recognized PO Asghar, but stated that the officer looked similar to the officer who put her in handcuffs and twisted her arm. § 87(2)(b) identified Sgt. Napoleon as the desk sergeant at the precinct.

§ 87(2)(b) identified Sgt. Centeno as the officer that pushed her when she was outside waiting for a cab. § 87(2)(b) also thought that a filler officer looked like the officer that inappropriately searched her. § 87(2)(b) did not recognize any other officers.

§ 87(2)(b)'s allegation that an officer inappropriately touched her was referred to IAB and received log number 06-04567.

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on March 31, 2006 (enclosure 6a-6g). § 87(2)(g)

§ 87(2)(b) stated that while inside of the Universal Resort, she observed a suspicious black male enter the club. Soon after officers entered the club and patrons of the club began to evacuate. § 87(2)(b)'s family and friends began to help § 87(2)(b) with her jacket because she had a cast on her hand. § 87(2)(b) told her companions to wait two minutes to let the crowd go out. PO Ceparano was a white or Hispanic male, 5'6", and slightly heavy-set. Sgt. Centeno was a Hispanic female, medium height, 140 to 150lbs, and identified as a supervisor. PO Ceparano turned his attention to § 87(2)(b) who was on the phone calling for a taxi. PO Ceparano began pushing § 87(2)(b) and saying something to the effect of, "You need to fucking leave (allegation A and C)." § 87(2)(b) told the officer that she was calling a cab and PO Ceparano said, "I don't give a fuck you all need to leave." As the civilians exited the club, § 87(2)(b) and § 87(2)(b) were ahead of § 87(2)(b) with officers between them and § 87(2)(b). § 87(2)(b) was walking backwards and saying that her sister was still in the club. § 87(2)(b) began to fall and flailed her hand backward. § 87(2)(b) did not fall all the way to the ground. When asked if § 87(2)(b) fell back because an officer pushed her, § 87(2)(b) responded that she was not sure and that the CCRB would have to ask § 87(2)(b). § 87(2)(b) did not see § 87(2)(b) hit anyone with her hand when she fell back. Eight officers including PO Ceparano then grabbed § 87(2)(b) and said, "Oh you fucking going down. You fucking going down. You fucking hit my boss." § 87(2)(b) thought that PO Ceparano was the officer who said, "Oh you fucking going down. You fucking hit my boss (allegation A)." All eight officers were white or Hispanic male officers. § 87(2)(b) could not provide a further description of the officers. Sgt. Centeno was outside with the other officers, but was not one of the officers that grabbed § 87(2)(b).

The officers then pushed § 87(2)(b) against a car. The officers grabbed one of § 87(2)(b)'s arms and twisted it behind her. § 87(2)(b) started shaking her arm and telling the officers to leave her alone because she didn't do anything. An officer then handcuffed § 87(2)(b) and cursed at her. The officers were pushing § 87(2)(b)'s head down on the car and § 87(2)(b) kept pulling her head back up. § 87(2)(b) did not know if § 87(2)(b)'s head ever hit the car. § 87(2)(b) stated that from her vantagepoint she could not see clearly what was happening. § 87(2)(b)'s friend § 87(2)(b) told § 87(2)(b) to leave her head down. § 87(2)(b) did not have any contact information for § 87(2)(b) and only knows him as § 87(2)(b) the DJ. § 87(2)(b) thought the only reason the officers stopped pushing § 87(2)(b)'s head down was because other civilians were saying, "Oh yall so full of shit why don't you all go catch the criminals. This is an innocent female she didn't do anything." Another black male told the officers that it was abuse and he was videotaping the incident. § 87(2)(b) did not know the black male. § 87(2)(b) then began to get hysterical and started asking the officers where they were taking her cousin. PO Ceparano then got up in § 87(2)(b)'s face and began cursing at her. § 87(2)(b) could not remember what the officer was saying to § 87(2)(b) was telling the officer, "Don't fucking curse at me I am a human being." PO3 then had § 87(2)(b)'s friend bring § 87(2)(b) across the street. PO3 was a black male, 5'7"-5'8", under 30, with a muscular build and baldhead. § 87(2)(b) did not know § 87(2)(b)'s friend. PO Ceparano then grabbed § 87(2)(b) and told her, "You are going downtown too." Officers then left the scene with § 87(2)(b) and § 87(2)(b). § 87(2)(b) stayed on the block asking officers where they were taking § 87(2)(b) and § 87(2)(b). PO Ceparano then approached § 87(2)(b) and pushed § 87(2)(b)'s shoulder (allegation C). § 87(2)(b) told the officer not to put his hand on her and the officer responded, "Well you need to get the fuck off the block then." When asked a follow up question about whether or not PO Ceparano cursed at her, § 87(2)(b) stated that PO Ceparano did not curse at her. When asked about the discrepancy, § 87(2)(b) stated that PO Ceparano was telling other civilians to "Get the fuck off the

block.” § 87(2)(b) was eventually told where the officers were taking § 87(2)(b) and § 87(2)(b) and § 87(2)(b) went to see them at the precinct. § 87(2)(b) stated that approximately 20 officers were on the scene.

At the precinct, PO4 told § 87(2)(b) “You lucky you didn’t get in the system.” PO4 was a white or Hispanic male. § 87(2)(b) spoke with Sgt. Napoleon. Sgt. Napoleon was a black male, 6’0”, with a medium build and identified as the desk officer. § 87(2)(b) told her sister to make a complaint to the station. § 87(2)(b) also informed Sgt. Napoleon that they would be hearing from them. § 87(2)(b) stated that she never asked to make a complaint at the precinct, but only told them that they would be hearing from her. § 87(2)(b) was not sure if her cousin or sister asked to make a complaint at the precinct. § 87(2)(b) asked Sgt. Centeno for the names of all the officers that were on the scene, and Sgt. Centeno only provided her own name and another officer’s name. § 87(2)(b) could not remember the names provided by Sgt. Centeno. Sgt. Napoleon told § 87(2)(b) that officers from other commands also responded to the job.

When § 87(2)(b) and § 87(2)(b) got home, § 87(2)(b) took pictures of § 87(2)(b)’s swollen wrist. § 87(2)(b) provided the CCRB with copies of the pictures she took of § 87(2)(b)’s wrist (enclosure 6d). § 87(2)(b)’s lower forearm appears black and blue and swollen in the pictures provided by § 87(2)(b). § 87(2)(b) stated that § 87(2)(b) told her that she had sustained the injury from when the officers grabbed her arm and twisted it behind her. § 87(2)(b) also told § 87(2)(b) that the handcuffs were on too tight. § 87(2)(b) stated that § 87(2)(b) also showed her a bruising on her leg, which was not photographed. § 87(2)(b) stated that they were not drunk because to her knowledge no one had consumed a drink. § 87(2)(b) stated that at the club they had ordered drinks but did not get a chance to drink them. § 87(2)(b) also denied that they had been drinking earlier that night.

§ 87(2)(b)

On January 12, 2006, § 87(2)(b) gave a statement to the CCRB over the phone (enclosure 7a). § 87(2)(b) stated that she recently moved to Virginia but would be coming in town for some weekends and would call the CCRB to schedule an appointment. § 87(2)(b) never called the CCRB back to schedule an appointment and never gave an official statement to the CCRB. § 87(2)(b) statement was consistent with § 87(2)(b) and § 87(2)(b)’s statement with a few noted details.

Once outside the club an officer pushed § 87(2)(b) causing her to fall. § 87(2)(b) stated that as § 87(2)(b) fell she must have hit somebody with her hand by accident trying to balance, because 6 or 8 male officers grabbed § 87(2)(b) and pulled her towards a vehicle. § 87(2)(b) did not see § 87(2)(b) hit anyone with her hand, but could not think of any other reason for why officers would arrest her. § 87(2)(b) was not sure who pushed § 87(2)(b) but knew it was a male officer because there were several males gathered around § 87(2)(b). § 87(2)(b) thought that PO3 and PO4 were the officers that pushed § 87(2)(b). PO3 was a Hispanic male and 5'5". PO4 was a white male, tall, with dark hair. § 87(2)(b) stated that she did not want to say who pushed § 87(2)(b) because from her angle officers were all around § 87(2)(b).

Once § 87(2)(b) was against the vehicle, officers kept trying to slam § 87(2)(b)’s head against the hood of the car, and § 87(2)(b) kept pulling her head back to prevent her head from hitting the vehicle. § 87(2)(b) and § 87(2)(b) asked one of the officers where they were taking § 87(2)(b) and an officer responded, “Can’t you see my fucking badge. Read the badge, read the badge.”

§ 87(2)(b) and § 87(2)(b) then went to the 67th Precinct. At the precinct, § 87(2)(b) and § 87(2)(b) told an officer that they were going to file a complaint. An officer then gave the names of two of the officers involved. § 87(2)(b) stated that to her knowledge no one had any alcohol that night.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) missed scheduled interviews with the CCRB on March 31, 2006 and April 24, 2006 and never provided the CCRB with a statement about the incident.

Results of Investigation

The Universal Resort

On May 22, 2006, the CCRB conducted fieldwork at the Universal Resort located at 4807 Church Avenue (enclosure 4a). The Universal Resort was closed, but listed two numbers to call to rent the facility. The establishments next to the Universal Resort, Wien Far Kitchen and Taste Supreme, both close before 1:00AM. On September 9, 2006, the CCRB spoke with Anthony the manager of the Universal Resort. Anthony stated that the club did not have video cameras installed on December 24, 2005. Anthony also confirmed that the Universal Resort is a space that individuals can rent out for private parties.

Communication Records

At 0410 hours the Sprint from the incident (enclosure 8a-8b) notes, "Inside Universal resort..FC states male black pulled out a gun because she refused to dance with him..." At 0418 hours, "Need additional units for crowd control." At 0432, "Transport two females to station house in regs." At 0436, "2 under." At 0643, "Authority of 67M final is a 96 not a 92C." According to the Sprint, 67M, 67A, 67K, 67D, and 67ST1 all arrived at the scene.

Officer Statements

PO Ceparano

Memo Book

PO Ceparano's memo book (enclosure 9a-9c) at 0418 hours notes, "Sector MN asked for additional units at 4807 Church Avenue." At 0436 hours, "Sector MN has 2 under at location for § 87(2)(b). § 87(2)(b) § 87(2)(b) DOB, § 87(2)(b) § 87(2)(b) DOB. Brought to 67th Precinct and released on C summonses C summons # § 87(2)(b), and § 87(2)(b)"

CCRB Statement

On August 15, 2006, PO Bruce Ceparano appeared at the CCRB (enclosure 9d-9f). On the date of the incident, December 24, 2005, PO Ceparano worked 2315 by 0750 hours. PO Ceparano was partnered with Sgt. Centeno, was the sergeant's operator, dressed in uniformed, and assigned to a marked patrol car.

On December 24, 2005 at approximately 4:18AM, PO Ceparano and Sgt. Centeno responded to the Universal Resort at 4807 Church Avenue in regards to a shots fired job. Sector MN had called for additional units for crowd control. Several other officers arrived at the scene. PO Ceparano could not identify any other officers that arrived, but stated that everyone who was working that night would have responded. There were also officers from surrounding precincts at the scene. PO Ceparano stated that there would have been more than 10 officers at the scene. There was a crowd of people already out on the street in front of the club.

The officers then entered the club to evacuate all the patrons. Music was playing and alcohol was still being served. The DJ turned off the music and the officers told the patrons to leave the club. At this point the majority of the patrons complied and evacuated the club. PO Ceparano denied that he or any other officer said, "Everyone get the fuck out", "You need to fucking leave", "Get the fuck out you dirty mother fuckers. You don't fucking listen." PO Ceparano observed Sgt. Centeno telling a group of females that they had to leave the club and female1 said that they were not leaving because they were calling for a taxi. Female2 was with female1 and the other females. Sgt. Centeno then put her hand on the female1's arm to direct her to the door and female1 pulled her arm away from Sgt. Centeno and then attempted to swing at Sgt. Centeno. PO Ceparano could not recall if female1 tried to push Sgt. Centeno or punch Sgt. Centeno. Sgt. Centeno moved back and avoided the strike. Two officers then grabbed female1 by the arms and escorted her outside. While escorting female1 out of the club female1 was compliant. PO Ceparano

did not recall female1 falling or being on the ground at any point during the incident. PO Ceparano denied that he or any other officer pushed any of the civilians to get them to exit the club.

Once outside the club female1 pulled her way forward to a parked car. Female1 was swinging her arms, kicking, punching, and cursing, and the two officers lost their grip on female1. Female1 grabbed a car's antenna and broke it off. The officers then pried the antenna out of female1's hands and approximately 2 or 3 officers grabbed female1's arms and brought them behind her to handcuff her. PO Ceparano denied that the officers pushed female1 against the car and explained that it was female1 that forced her away towards the car. PO Ceparano denied that an officer tried to slam female1's head against the car. PO Ceparano denied that he or another officer said, "You look like you want to do something to our boss. You fucking don't listen. Get the fuck out of here you are going to fucking go down you are going to get arrested" or "You fucking don't listen. You look like you want to do something to our boss. You are going to jail you are not going to get out before the holidays. Stupid mother fucker you are going to jail you are going to be in for Christmas." While the officers were handcuffing female1, PO Ceparano was trying to control the crowd that was now cursing at the officers. PO Ceparano explained that he saw the officers handcuff female1, but his attention was focused on the crowd. PO Ceparano could not recall what the crowd was saying.

PO Ceparano was standing between the officers and the crowd making sure no one tried to interfere. Female2 then approached the officers to interfere in female1's arrest and PO Ceparano told female2 to back off. Female2 then pushed PO Ceparano and two other officers grabbed female2 and handcuffed her. Female2 was flailing her arms and cursing. PO Ceparano denied using physical force with any of the civilians, and denied putting his hands on anybody. PO Ceparano did not see an officer push any of the civilians. PO Ceparano denied that he or any other officer said, "Shut the fuck up unless you want to get arrested too." PO Ceparano denied that he cursed or used profanity and denied that he heard an officer curse or use profanity. PO Ceparano denied that anyone asked him for his name or shield at the scene, and denied that he heard anyone ask an officer for their name or shield at the scene. PO Ceparano denied that anyone asked where they were taking the two females, and denied that he or another officer said, "Can't you see my fucking badge, read the badge." PO Ceparano denied that he or another officer pushed a civilian and said, "You need to get the fuck off the block then."

The two females were then transported to the 67th Precinct. When PO Ceparano and Sgt. Centeno arrived at the precinct, Sgt. Napoleon was talking with the females. PO Ceparano knew that Sgt. Napoleon made a command log entry regarding the females, but was not sure if the females were filing a complaint. One of the females then stated that she wanted all of the officers' names and shields and PO Ceparano and Sgt. Centeno wrote their names down on a piece of paper and gave it to one of the females. The females were released with summonses.

A picture of § 87(2)(b) was shown to PO Ceparano and PO Ceparano thought he recognized her, but was not sure if she was female1 or female2. A picture of § 87(2)(b) was shown to PO Ceparano and PO Ceparano did not recognize § 87(2)(b). A picture of § 87(2)(b)'s wrists were shown to PO Ceparano and PO Ceparano had no idea how § 87(2)(b) sustained the injuries and did not remember seeing the injuries on the date in question. PO Ceparano stated that female1 and female2 had been drinking, but did not think that they were intoxicated.

Sgt. Centeno

Memo Book

Sgt. Centeno's memo book (enclosure 10a-10c) notes, "10-85 Church Avenue. 2 under sector M."

CCRB Statement

On May 17, 2006, Sgt. Mayra Centeno appeared at the CCRB (enclosure 10d-10f). On the date of the incident, December 24, 2005, Sgt. Centeno worked 2305 by 0802 hours. Sgt. Centeno was assigned to patrol, partnered with PO Ceparano, dressed in uniformed, and assigned to a marked patrol car. Sgt. Centeno's account was consistent with PO Ceparano's account with a few noted exceptions.

On December 24, 2005 at approximately 4:30AM, Sgt. Centeno and PO Ceparano received a radio run of shots fired, male shot. Sgt. Centeno, PO Ceparano, and other officers went inside the establishment

to try to verify if a male was shot. Sgt. Centeno encountered § 87(2)(b) and § 87(2)(b) and asked them to clear the establishment. § 87(2)(b) and § 87(2)(b) had drinks in their hands and said they weren't leaving. The females started to say that cops were harassing them, which drew the attention of some of the crowd remaining in the establishment. The officers then tried to escort the females out of the club, by verbally directing them to the door.

One of females then tried to slap Sgt. Centeno's hands, but Sgt. Centeno moved out of the way. The officers continued to escort the females out of the club, and at the door to the club the other female tried to punch Sgt. Centeno in the face. Once again Sgt. Centeno moved out of the way. The female then pushed PO Ceparano. Sgt. Centeno denied that any officer said "get the fuck out of here" or used profanity. Sgt. Centeno did not recall any officer using profanity at any point during the incident. Sgt. Centeno then asked officers to place the female under arrest and the officers tried to put the female's hands behind her back. Sgt. Centeno denied that any officer pushed the female. The female then began to flail her arms and curse. When officers tried to place the female under arrest, the female pushed the officers away from her. Eventually the female was against a car and grabbed on to the car's antenna. Sgt. Centeno wasn't sure how the female got to the car. Once against the car the officers tried to grab the female's hands, and the female tried to punch and scratch the officers. The officers eventually were able to grab the female's hands and place her in handcuffs. Sgt. Centeno thought that only two officers were involved in handcuffing the female. Sgt. Centeno could not specifically remember the officers that handcuffed the female. Sgt. Centeno did not recall any officer saying, "You look like you want to hit our boss, get the fuck out of here, you are going to fucking go down."

Sgt. Centeno did not recall any of the females falling during the incident. Several of the females that were with § 87(2)(b) and § 87(2)(b) were asking where they were taking them, and Sgt. Centeno responded that they were taking them to the 67th Precinct. Sgt. Centeno did not recall an officer saying, "Can't you see my fucking badge, read the badge." Sgt. Centeno did not recall PO Ceparano having any physical contact with any of the civilians, besides § 87(2)(b) and § 87(2)(b). Sgt. Centeno did not recall PO Ceparano telling people to "get the fuck off the block."

At the 67th Precinct the females told Sgt. Centeno that they were going to make a complaint against her. Sgt. Centeno thought that the females went to Sgt. Napoleon to make the complaint. Sgt. Centeno did not witness the civilians' interaction with Sgt. Napoleon.

A picture of § 87(2)(b) was shown to Sgt. Centeno, and Sgt. Centeno could not remember if § 87(2)(b) was the first or second female to be arrested. A picture of § 87(2)(b) was shown to Sgt. Centeno, and Sgt. Centeno did not recall seeing § 87(2)(b). A picture of § 87(2)(b) with bruises to § 87(2)(b)'s wrist and lower forearm area was shown to Sgt. Centeno. Sgt. Centeno stated that she did not see any injuries on either of the civilians, and did not know how the injuries could have occurred.

PO Gifkins

Memo Book

PO Gifkins' memo book (enclosure 11b) at 0418 hours notes, "85 E48 and Church." At 0436 hours, "92C x 2 females § 87(2)(b). At 0457 hours, "I § 87(2)(b) do relinquish my cellular phone to my cousin § 87(2)(b) (signed by § 87(2)(b) and § 87(2)(b). At 0555 hours, § 87(2)(b) released with disorderly conduct summons # § 87(2)(b)." At 0615 hours, § 87(2)(b) released with disorderly conduct summons # § 87(2)(b).

Summonses

Summons number § 87(2)(b) (enclosure 11a) issued to § 87(2)(b) by PO Gifkins for PL § 87(2)(b), "§ 87(2)(b)." Summons number § 87(2)(b) (enclosure 11a) issued to § 87(2)(b) by PO Gifkins for § 87(2)(b).

CCRB Statement

On September 29, 2006, PO Jamie Gifkins appeared at the CCRB (enclosure 11c-11d). On the date of the incident, December 24, 2005, PO Gifkins was assigned to RMP number 1914 and worked 2315 by 0750 hours. PO Gifkins was partnered with PO Groysman and dressed in uniform.

On December 24, 2005 at approximately 4:18AM, PO Gifkins and PO Groysman were driving back to the precinct when they received a 10-85 for East 48 and Church. When PO Gifkins arrived at the scene he observed a large crowd both inside the location and on the street. PO Gifkins thought that other officers were at the scene when he arrived, but could not recall which officers were at the scene. PO Gifkins did not recall Sgt. Centeno or PO Ceparano being at the scene. PO Gifkins did not recall if he entered the location. PO Gifkins could not recall if any officers entered the location. Outside the location, PO Gifkins told § 87(2)(b) and § 87(2)(b) to leave the scene, and they refused to leave. § 87(2)(b) and § 87(2)(b) were standing on the sidewalk. PO Gifkins could not recall his exact words, but explained that he told § 87(2)(b) and § 87(2)(b) to leave the scene. PO Gifkins explained that there was a large crowd outside that was following the officers' orders to disperse. PO Gifkins denied that he or any other officer cursed to get the civilians to leave.

PO Gifkins then placed the civilians under arrest for § 87(2)(b). When asked if there was a struggle to handcuff the civilians, PO Gifkins remembered a brief struggle, but could not remember whom the brief struggle was with or what exactly ensued. PO Gifkins could not recall how many officers were involved in the struggle, but admitted that he was one of the officers that was trying to put the handcuffs on one of the civilians. PO Gifkins could not recall how the female was resisting. PO Gifkins explained that there were cars next to the sidewalk, but could not recall if one of the civilians was pushed against a car. PO Gifkins thought that only one of the females resisted arrest. When asked if one of the females grabbed on to a car's antennae and broke the antennae, PO Gifkins stated, "I believe so." PO Gifkins could not remember how the female got to the car and could not recall if the female was pushed against the car. PO Gifkins denied that he or any other officer tried to push the female's head down on a truck.

PO Gifkins did not recall anyone asking an officer for their name or shield. PO Gifkins did not recall officers pushing any other civilians to try to get them off the block. PO Gifkins then transported one of the females back to the precinct. PO Gifkins did not remember any officer telling the civilians, "Yeah have a good Christmas you're lucky your ass didn't go through the system. PO Gifkins did not remember any discussion with the females at the precinct. PO Gifkins did not recall the females wanting to make a complaint against officers.

A picture of § 87(2)(b) was shown to PO Gifkins and PO Gifkins could not remember if § 87(2)(b) was the female that was resisting. A picture of § 87(2)(b) was shown to PO Gifkins and PO Gifkins did not recognize § 87(2)(b).

PO Asghar

On December 8, 2006, PO Salman Asghar appeared at the CCRB (enclosure 12d-12e). On the date of the incident, December 24, 2006, PO Asghar worked 2315 by 0750 hours. PO Asghar was assigned to sector KP, partnered with PO Dawson, dressed in uniform, and assigned to a marked patrol car. PO Asghar did not have any entries in his memo book (enclosure 12a-12c) related to the incident.

PO Asghar had no recollection of the incident. Facts from the case were relayed to PO Asghar and PO Asghar still had no recollection. Pictures of § 87(2)(b) and § 87(2)(b) were shown to PO Asghar and PO Asghar did not recognize § 87(2)(b) or § 87(2)(b). A picture of § 87(2)(b)'s bruised forearm was shown to PO Asghar and PO Asghar had no recollection of the incident. When asked if the bruise looked typical of marks left from handcuffs, PO Asghar stated that the marks did not look typical of marks left from handcuffs. PO Asghar had no recollection of an officer pushing § 87(2)(b)'s head down on to a truck or twisting § 87(2)(b)'s arm.

Sgt. Napoleon

On September 11, 2006, Sgt. Johnny Napoleon appeared at the CCRB (enclosure 13a-13b). On the date of the incident, December 24, 2006, Sgt. Napoleon worked 2305 by 0802 hours as the desk

sergeant. Sgt. Napoleon was dressed in uniform. Sgt. Napoleon stated that he did not have any memo book entries related to the incident, and did not bring his memo book to his CCRB appointment.

On December 24, 2006, a female was arrested and released from the precinct with a summons. There was another female at the precinct waiting for the female to be released. Pictures of § 87(2)(b) and § 87(2)(b) were shown to Sgt. Napoleon, and Sgt. Napoleon did not recognize § 87(2)(b) or § 87(2)(b). Once the female was released the two females wanted the names of officers involved in the incident that led to one of the females receiving a summons. One of the females said that she wanted the names of the officers and she knew how to process a complaint. Sgt. Napoleon denied that the female asked for a civilian complaint form or asked to make a complaint. Sgt. Napoleon explained that if the females would have asked to make a complaint he would have followed procedure and given them a complaint form. Once PO Ceparano and Sgt. Centeno arrived at the precinct, one of the females informed Sgt. Napoleon that they wanted PO Ceparano and Sgt. Centeno's names and Sgt. Napoleon told PO Ceparano and Sgt. Centeno to give their names to the females. PO Ceparano and Sgt. Centeno then complied and gave their names to the females.

Sgt. Napoleon did not remember PO Ceparano and Sgt. Centeno talking with the females. Sgt. Napoleon did not hear PO Ceparano or Sgt. Centeno say anything to the effect of, "Yeah have a good Christmas. You're lucky your ass didn't go through the system."

Police Documents

Command Log

The command log (enclosure 14a) at 0445 hours notes that PO Gifkins was § 87(2)(b) and § 87(2)(b)'s arresting officer. Both § 87(2)(b) and § 87(2)(b)'s physical/mental condition was apparently ok. § 87(2)(b) and § 87(2)(b) were released on summons at 0615 hours. At 0620 hours the command log notes, "Def. § 87(2)(b) and § 87(2)(b) after being released with summonses wanted to make a CCRV complaint against PO Ceparano and Sgt Centeno, and a few other unidentified officers. They took the officers name and left without any future (illegible).

Roll Call

The desk copy of roll call for the 67th Precinct from December 24, 2005 (enclosure 14b-14e) notes that Sgt. Napoleon worked the desk from 2305 by 0802 hours. Sgt. Centeno worked 2305 by 0802 hours as the patrol supervisor. PO Gifkins, PO Asghar, and PO Ceparano all worked 2315 by 0750 hours. PO Gifkins was assigned to sector IJ with PO Groysman, PO Asghar was assigned to sector KP, and PO Ceparano was assigned as the sergeant's operator. In addition, PO Quick and PO Grigsby were assigned to 67A, PO Ledgister and PO Curry were assigned to 67D, PO Dawson and PO Asghar were assigned to 67K, and PO Denner and PO Reed were assigned to 67M.

Criminal History of Civilians

A December 17, 2006 search of BADS by § 87(2)(b) and § 87(2)(b)'s social security numbers revealed negative results for any arrests for § 87(2)(b) or § 87(2)(b).

Substantiated CCRB Allegations which resulted in the Imposition of Discipline

PO Ceparano, Sgt. Centeno, PO Asghar, and Sgt. Napoleon have had no CCRB allegations substantiated in their 2 (enclosure 2a), 8 (enclosure 2b), 2 (enclosure 2c), and 8-year tenures (enclosure 2d).

Disposition of Summons

§ 87(2)(b) [§§ 86(1)(3)&(4)]
[REDACTED]
[REDACTED]

Conclusions and Recommendations

Officer Identification

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Undisputed Facts

It is undisputed that § 87(2)(b) and her group did not immediately comply with the officers' directions to evacuate the Universal Resort. It is undisputed that officers used physical force against § 87(2)(b). It is undisputed that at some point § 87(2)(b) was against a vehicle. It is undisputed that § 87(2)(b) and § 87(2)(b) told Sgt. Napoleon that they were going to make a complaint and asked for the names of the officers involved.

Disputed Facts

§ 87(2)(g)

[REDACTED]

Assessment of the Evidence

§ 87(2)(g)

[REDACTED]

§ 87(2)(b)

and § 87(2)(b) did not mention that Sgt. Centeno pushed § 87(2)(b) however given the fact that it was a hectic situation as patrons were evacuating the Universal Resort it is possible that they did not observe § 87(2)(b) and the officers' actions in their entirety. § 87(2)(b) and § 87(2)(b) both stated

that from their vantagepoint they could not see precisely what was happening at various points throughout the incident. § 87(2)(b) and § 87(2)(b) also appeared to exaggerate the level of profanity that was used as they gave somewhat inconsistent accounts of the profanity that was used. Specifically § 87(2)(b) stated that PO Ceparano told her, “Well you need to get the fuck off the block then”, but then later stated that PO Ceparano did not curse at her and was only telling other civilians to “Get the fuck off the block.” § 87(2)(b)'s phone and in person statement also had several discrepancies in the specific language used by the officers.

§ 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) stated that an officer was trying to push § 87(2)(b)'s head down, but neither civilian actually saw § 87(2)(b)'s head make contact with the vehicle. § 87(2)(b) and § 87(2)(b) also did not mention that § 87(2)(b) had bruising to her nose and the pictures provided by § 87(2)(b) did not appear to show any bruising to § 87(2)(b)'s nose.

§ 87(2)(g)

Both officers denied that profanity was used to get civilians to evacuate the location. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)'s statement that Sgt. Napoleon told her that she could not file a complaint at the precinct went uncorroborated by all other accounts.

Determination of Facts

§ 87(2)(g)

Allegation A: PO Bruce Ceparano spoke obscenely to § 87(2)(b) and individuals.

Allegation F: PO Salman Asghar spoke obscenely to § 87(2)(b) and individuals.

§ 87(2)(b) alleged that PO Ceparano and PO Asghar spoke obscenely. The officers that recalled the incident denied the allegations. § 87(2)(g)

In *PD vs. White*, the court held that no misconduct was committed when an officer “used an expletive in his verbal command when addressing the crowd to gain cooperation in lieu of using physical force to move

them (enclosure 1b).” § 87(2)(g)

Allegation B: Officers used physical force against § 87(2)(b)

Allegation C: PO Bruce Ceparano used physical force against § 87(2)(b) and § 87(2)(b)

Allegation D: Sgt. Mayra Centeno used physical force against § 87(2)(b)

§ 87(2)(b) alleged that unidentified officers, PO Ceparano, and Sgt. Centeno pushed her causing her to fall. PO Ceparano and Sgt. Centeno denied the allegation and denied having physical contact with § 87(2)(b). PO Ceparano and Sgt. Centeno alleged that § 87(2)(b) pushed or slapped at Sgt. Centeno. § 87(2)(b) denied hitting any officer. § 87(2)(g)

§ 87(2)(b) The Police Academy Curriculum’s Scale of Escalating Force states that firm grips may be used to overcome verbal resistance (enclosure 1e). § 87(2)(g)

§ 87(2)(b) The Scale of Escalating Force also states that compliance techniques designed to physically overpower subjects may be used to overcome minor physical resistance such as pulling or pushing away (enclosure 1e). § 87(2)(g)

Allegation E: PO Salman Asghar used physical force against § 87(2)(b)

§ 87(2)(b) alleged that once outside of the Universal Resort PO Asghar twisted her arm causing bruising and swelling to her forearm and pushed her against a vehicle. PO Asghar had no recollection of the incident § 87(2)(g)

§ 87(2)(b) PO Ceparano stated that § 87(2)(b) was swinging her arms, kicking, and punching. PO Ceparano also stated that § 87(2)(b) grabbed a car’s antenna and broke it off, and officers had to pry the antenna out of § 87(2)(b)’s hands. § 87(2)(b) denied that she was physically resisting. § 87(2)(g)

§ 87(2)(b) The photos provided to the CCRB by § 87(2)(b) showed

significant bruising and swelling to § 87(2)(b)'s forearm. § 87(2)(g)

Allegation G: An officer hit § 87(2)(b)'s head against a truck.

§ 87(2)(b) alleged that PO4 pushed her against a car with the assistance of PO Asghar and then proceeded to slam her head down on a vehicle. All of the officers denied the allegation and could not recall which officers were physically interacting with § 87(2)(b). § 87(2)(b) viewed officer photos and was unable to identify the officer that slammed her head down on a car. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) stated that an officer was trying to put § 87(2)(b)'s head down on a vehicle but did not see § 87(2)(b)'s head make contact with the vehicle. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) also did not corroborate § 87(2)(b)'s account that she had bruising around her nose. In addition there does not appear to be any bruising to § 87(2)(b)'s nose in the picture of § 87(2)(b) provided by § 87(2)(b). § 87(2)(g)

Allegation H: Sgt. Johnny Napoleon did not process § 87(2)(b)'s complaint regarding officers.

In her in person statement, § 87(2)(b) stated that she asked Sgt. Napoleon if she could file a complaint at the precinct and Sgt. Napoleon told her that she had to file her complaint somewhere else and never gave her instructions on how to file a complaint. Sgt. Napoleon denied that § 87(2)(b) asked to file a complaint and the investigator determined that § 87(2)(b) did not ask to file a complaint. § 87(2)(b) has questionable credibility surrounding the allegation. None of the other witnesses mentioned that § 87(2)(b) asked to file a complaint and § 87(2)(b) did not mention the complaint in her phone statement.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: